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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,143	11/07/2001	Masanori Gunji	P 284091 T4HW-01S1389-1	4645
909 7590 05/16/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER TOPGYAL, GELEK W	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/986,143		GUNJI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Gelek Topgyal		2621	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 10/17/2006 have been fully considered but they are not persuasive.
2. In re pages 7-9, regarding independent claims 1 and 7, the applicants present the arguments: a) that Abe fails to teach or suggest the user of a creation section configured to *automatically create* the chapter management information that specifies the start and end of a chapter when the command for specifying a chapter boundary is assigned, b) that Abe fails to teach or suggest the recording section configured to *automatically create* an image at the start of the set chapter as a still pictured, *automatically create* the thumbnail management information, and *automatically record* the created information in the recording medium.
3. In response to argument a), the examiner respectfully disagrees. As previously recited on page 3 of the last Office Action, an ADD button can be activated after the user has selected the beginning and the end of a desired chapter. This step reads on the claimed "command for specifying a chapter boundary assigned". And as discussed in col. 5, lines 6-14, and lines 31-36, when the user edits the beginning and end points of the number of audio/video clips, the (Edit Decision List) EDL is *automatically* updated. Therefore, the newly added limitation of *automatically creating* the chapter management is clearly met by this discussion.
4. In response to argument b), the examiner respectfully disagrees. As discussed in pages 3-4 of the previous Office Action, Abe teaches a sections 40 and 41, wherein

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after the user has set the IN and OUT points to set the beginning and end, respectively, of a specific chapter, section 41, displays a still image as a start image of a set chapter. Therefore, the system of Abe has *automatically created* an image as claimed. Similarly, a thumb nail management information is also automatically created via the system of Abe. The broadly cited limitation of *automatically recording* the created information is met by 1) the discussion above in paragraph 3 with respect to the EDL (the EDL is stored on the Local Disk Device 14 during system operation), that has met the requirement of the chapter information, and 2) Fig. 1, Storage Device 13, Local Disk Device 14, and VTR 7 are mediums where the *video information* can be recorded.

5. In re page 9, the applicants allege that since claims 2-6 depend on claim 1, that by virtue of dependency, claims 2-6 are also allowable.

6. In response, the examiner respectfully disagrees. Since claim 1 is rejected, dependent claims 2-6 also remain rejected.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (US 6,404,978).

**Regarding claim 1**, Abe discloses a recording/reproducing apparatus for controlling information recording and reproducing process by driving a recording medium having at least a video information recording region in which video information including a program is recorded (Fig. 1, local disk device 14), a video management information recording region in which management information for recording/reproducing the video information is recorded (col. 1, lines 53-59, discloses an edit decision list which stores all of the management information required), and a region for recording chapter management information for managing each chapter of the program, the apparatus comprising (col. 1, lines 53-59, discloses an edit decision list which stores all of the management information required):

a display signal control section outputting configured to output a display signal obtained from the video information to a display (Fig. 1, VRAM 18);

a first setting section setting configured to set a moving picture reproducing region for the program selected based on the video management information on a screen of the display (Fig. 3, Section 40. Col. 4, lines 5-20 disclose a clip creating window, wherein clips can be played back in section 43);

a second setting section setting configured to set a thumb nail display region ~~for displaying~~ that displays one or more thumb nails as a typical picture of a set chapter on the ~~screen of the display~~ screen (Fig. 3, section 41. Col. 4, lines 37-39, "frame image" is displayed);

a third setting section ~~setting~~ configured to set a button region ~~for indicating that indicates~~ a chapter boundary in the moving picture reproducing region during program reproduction (Fig. 3, section 40. The limitation of chapters are met by clips, which can be created using the IN and OUT markers, which point to the first and the last frame of the claimed "chapter");

a command assignment section ~~assigning~~ configured to assign a command ~~for specifying that specifies~~ a chapter boundary with a cursor being moved to the button region when a desired image is displayed in the moving picture reproducing region (Fig. 3, section 40. The user can operate a mouse 2 to determine the IN and OUT markers, after which the ADD button 48 is operated to create the chapter. The desired point of the moving picture reproducing region is the point where the end of chapter is created);

a creation section ~~creating~~ configured to automatically create the chapter management information ~~specifying that specifies~~ the start and end of a chapter when the command for specifying a chapter boundary is assigned (Fig. 3, section 41, shows multiple chapters that have been created by the user. Fig. 3, section 40. The user can operate a mouse 2 to determine the IN and OUT markers, after which the ADD button 48 is operated to create the chapter. The desired point of the moving picture reproducing region is the point where the end of chapter is created. *This step reads on the claimed "command for specifying a chapter boundary assigned". And as discussed in col. 5, lines 6-14, and lines 31-36, when the user edits the beginning and end points of the number of audio/video clips, the (Edit Decision List) EDL is automatically*

*updated. Therefore, the newly added limitation of automatically creating the chapter management is clearly met by this discussion.);*

and a recording section ~~creating~~ configured to automatically create an image at the start of the set chapter as a still picture, ~~creating~~ automatically create the thumb nail management information, and ~~recording~~ configured to automatically create the created information in the recording medium (*Abe teaches in Fig 3, sections 40 and 41, wherein after the user has set the IN and OUT points to set the beginning and end, respectively, of a specific chapter, section 41, displays a still image as a start image of a set chapter. Therefore, the system of Abe has automatically created an image as claimed. The broadly cited limitation of automatically recording the created information is met by 1) the discussion above in paragraph 3 with respect to the EDL (the EDL is stored on the Local Disk Device 14 during system operation), that has met the requirement of the chapter information, and 2) Fig. 1, Storage Device 13, Local Disk Device 14, and VTR 7 are mediums where the video information can be recorded. However, Abe fails to particularly teach that thumbnail management information is automatically created).*

The examiner takes Official Notice that creating thumbnail management information is conventional, old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create thumbnail management information into the system of Abe to increase user friendliness by being able to allow visually oriented random access.

**Regarding claim 2,** Abe teaches the claimed wherein the display control further comprises a display control section setting a bar shaped display area corresponding to a full length of said program, and additionally displaying a mark corresponding to the number of chapters that exist in said program in said bar shaped display region (Fig. 3, section 50 includes time bars 52, 53, and 55 that represent a particular clip/chapters. Col. 4, lines 57-64, the time bars 52, 53 and 55 are described to be of different colors facilitating marking the separate clips/chapters).

**Regarding claim 3,** Abe teaches the ability to create thumbnails, but fails to teach the ability to create thumb nail management information indicating an entry point.

The examiner takes Official Notice that if thumb nail management information has been created as disclosed in claim 1 above, the thumb nails are used as entry points to allow for selectable random access to portions of video stored on a medium. It is conventional, old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create and store thumbnail management information to include the ability to indicate entry points into the system of Abe to increase user friendliness by being able to allow visually oriented random access.

**Regarding claim 4,** Abe teaches the limitations as disclosed in claim 1 above, and shows that the thumbnails have been created separately, but fails to disclose recording them in the recording medium.



The examiner takes Official Notice that thumbnail management information will include or point to an area where thumbnails are stored on the medium. It is conventional, old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporated the ability to store thumbnails on a medium into the system of Abe to reduce the time necessary to create thumbnails wherein the system does not have separately stored thumbnails, thereby improving response time for a GUI.

**Regarding claim 5**, Abe teaches the limitations as disclosed in claim 1 above, and discloses a region with multiple thumbnails shown, but fails to disclose that the thumbnails are displayed with a corresponding thumbnail number.

The examiner takes Official Notice that numbering thumbnails is conventional, old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate numbering the thumbnails to allow for the ability to distinguish a specific time line according to the playback sequence.

**Regarding claim 6**, Abe discloses the ability to edit a decision list, and thereby the ability to point the mouse 2 and deleting a specific clip/chapter is facilitated as well.

**Means for claim 7** is rejected for the same reasons as disclosed above in apparatus claim 1.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

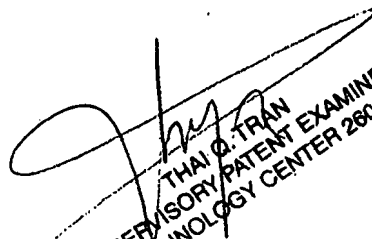
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT  
1/8/2007

  
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